

COURTROOM MINUTE SHEET

DATE 8-27-10

CIVIL NO. CIV-10-141 -F

James Pavatt and Jeffrey D. Matthews -vs- Justin Jones, et al.

COMMENCED 3:15 ENDED 4:00 TOTAL TIME 45 min.

PROCEEDINGS Hearing on motion for protective order

JUDGE STEPHEN P. FRIOT DEPUTY LORI GRAY REPORTER TRACY WASHBOURNE

PLF PAVATT COUNSEL Rob Nigh, Patti Ghezzi

INTERVENOR MATTHEWS COUNSEL Timothy Payne

DFT COUNSEL Greg Metcalfe, Stephen Krise

ENTER: The court hears arguments of counsel. Defendants' Motion for Protective Order (doc. no. 40) is **GRANTED**. The court rules that, balancing the very weighty considerations that go both ways, the extraordinary step of prohibiting the dissemination of confidential information to the plaintiff inmates is appropriate. The identities of non-employee members of the execution team will not be disclosed to the plaintiff inmates. The court further rules that inquiry into executions prior to 8/7/06 shall not be made. The plaintiffs are free to challenge any designations of confidential information, to move to modify the protective order, and/or to file any motions for appropriate relief, after the required Rule 37 conference.

The court will enter the proposed protective order submitted by the defendants, with one addition. On page 5 of the proposed protective order, there is an overbroad sentence. In paragraph 12, after "or any of the documents produced by Defendants or any of the transcripts generated during discovery," the court will add "which may be designated as confidential."

The court reiterates its earlier advice to counsel that, if a fresh supply of sodium thiopental is discovered, the scope of the issues in this case will become much narrower.